

## **REMARKS**

### **Summary of the Office Action**

Claims 1 – 24 currently stand rejected under 35 U.S.C. § 102(a) as being anticipated by “A Stochastic Search for Test Assembly, Item Pool Analysis, and Design”, Belov and Armstrong (“Stochastic Search”). The Examiner stated that the declaration under 37 CFR 1.132, dated April 20, 2008, is insufficient to overcome the rejection of the pending claims 1-24 because the affidavit does not set forth sufficient evidence that the article is solely the applicant’s own work. The Examiner further stated that although Applicant declared that the contributions made by Ronald D. Armstrong to the article are not claimed, an identification of those contributions has not been made.

### **Response to the Office Action**

Enclosed herewith is a revised Declaration by Applicant Under 37 C.F.R. 1.132 (“Declaration”), which is incorporated herein by reference in its entirety. In connection with preparing the Declaration, the inventor Dmitry I. Belov brought to the attention of the undersigned that the publication date of the Stochastic Search article was incorrectly identified in the Information Disclosure Statement submitted September 9, 2004. The Stochastic Search article was not published in January of 2004; this date was listed in error. Instead, the Stochastic Search article was disclosed during a meeting that included representatives of certain law schools who are members of the Assignee of the present application, Law School Admission Council (“LSAC”), in March of 2004, and was published as an LSAC research report in September of

2006. Declaration, para. 3. A new Information Disclosure Statement is submitted herewith for the Examiner's consideration.

In addition, the Declaration identifies all contributions made by Ronald D. Armstrong to the Stochastic Search article, which contributions have not been claimed in the present application. Declaration, paras. 4 and 5.

Thus, as established by the Declaration, Stochastic Search is not prior art under 35 U.S.C. § 102(a).

### Conclusion

In view of the foregoing, Applicant respectfully requests the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this Response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Respectfully submitted,

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By:   
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